

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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HOUSE BILL NO. 1133

Introduced by: Representatives Gibson, Bartling, Feickert, Hawks, Hawley, Hunt, Johns, Killer, Kirschman, McCleerey, Peterson (Kent), Rasmussen, Ring, Russell, Schoenfish, Schrempp, and Soli and Senators Buhl O'Donnell, Bradford, Olson, Parsley, Peterson (Jim), Rusch, and Soholt

1 FOR AN ACT ENTITLED, An Act to require that a risk assessment is completed and reviewed
2 before the release of a person charged with certain domestic crimes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-10-40 be amended to read as follows:

5 25-10-40. No police officer or sheriff may release a person charged with assaulting a person
6 in a relationship described in § 25-10-3.1, or violating a protection order, as provided for in this
7 chapter, without completing a South Dakota risk assessment form and providing notice to a
8 committing magistrate judge or circuit court and the State's Attorney. A committing magistrate
9 judge or circuit court shall ~~determine~~ review the South Dakota risk assessment form when
10 determining if bond or other conditions of release are necessary for the protection of the alleged
11 victim.

